

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
COLUMBUS DIVISION**

IN RE:)	CASE NO. 2:23-BK-53940
)	
AAD LOCKER LLC)	CHAPTER 11
)	
Debtor.)	JUDGE JOHN E. HOFFMAN JR.
)	
)	MOTION FOR RELIEF FROM STAY OR
)	IN THE ALTERNATIVE MOTION FOR
)	ADEQUATE PROTECTION
)	REGARDING PROPERTY KNOWN AS
)	
)	2023 Chevrolet Silverado 2500HD
)	VIN 1GC4YNEY2PF123036

Ally Bank (“Movant”) moves this Court under 11 U.S.C. §§361, 362, 363, and other sections of the Bankruptcy Code and under Rules 4001, 6007 and other rules of the Federal Rules of Bankruptcy Procedure for an order conditioning, modifying or dissolving the automatic stay or in the alternative motion for adequate protection imposed by 11 U.S.C. §362 of the Bankruptcy Code. In support of this motion, the Movant states:

MEMORANDUM

1. This Court has jurisdiction over this matter under 28 U.S.C. §§157 and 1334. This is a core proceeding under 28 U.S.C. §157(b)(2) (A), (G). The venue of this case and this motion is proper under 28 U.S.C. §§ 1408 and 1409.
2. On October 28, 2022, Debtor AAD Locker LLC obtained a loan from Movant in the amount of \$77,721.75. Such loan was evidenced by a Retail Installment Sales Contract dated October 28, 2022 (the “Contract”), a copy of which is attached as Exhibit “A”.

3. The Debtor filed a Petition under Chapter 11 of the Bankruptcy Code on November 10, 2023.

4. To secure payment of the contract and performance of the other terms contained in it, Debtor AAD Locker LLC granted a lien on the collateral listed as a 2023 Chevrolet Silverado 2500HD - VIN 1GC4YNEY2PF123036 ("Collateral") owned by the Debtor and more fully described in the Security Agreement.

5. The lien created by the Security Agreement was perfected by the notation on the vehicle title ("Title"): A copy of the Certificate of Title is attached showing lien as Exhibit "B".

6. As of March 21, 2024, there was currently due and owing on the Contract the outstanding balance of \$69,919.20.

7. In the event the Order granting Movant's Motion for Relief from Stay or in the alternative motion for adequate protection is entered, the provisions of Bankruptcy Rule 4001(a)(3) should be waived and said Order should be effective immediately.

8. The Movant is entitled to relief from stay or in the alternative motion for adequate protection under 11 U.S.C. §362(d)(1) and/or 11 U.S.C. §362(d)(2) for the following reasons:

- (a) The Debtor's account is post-petition due for (November 2023 through March 2024) installments in the amount of \$1,692.67 each, for a total post-petition delinquency in the amount of \$8,463.35. All payments due since that time remain unpaid. The last date that payment was made was on October 26, 2023. A copy of the payment history is attached as Exhibit "C".

9. Continuation of the automatic stay pursuant to 11 U.S.C. §362(a) will work real and irreparable harm to the Movant and may deprive the Movant of the adequate protection to which they are entitled under 11 U.S.C. §§ 361 and/or 362.

WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the automatic stay of 11 U.S.C. §362 of the Bankruptcy Code to permit Movant to proceed with its state law rights. If the Court fails to terminate the automatic stay, Movant asks the Court to enter an order adequately protecting Movant's interest in the Collateral and for such other further relief to which the Movant may be entitled.

Date: April 17, 2024

Respectfully submitted:

/s/ Cynthia A. Jeffrey
Cynthia A. Jeffrey
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Attorney for Movant
Ally Bank

**NOTICE OF ALLY BANK'S MOTION FOR RELIEF FROM STAY OR IN THE
ALTERNATIVE MOTION FOR ADEQUATE PROTECTION.**

Ally Bank has filed papers with the court to obtain relief from stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, then on or **before twenty one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by ordinary U.S. Mail to Clerk, U.S. Bankruptcy Court, Southern District of Ohio, 170 North High Street, Columbus, Ohio 43215, OR your attorney must file a response using the Court's ECF System.

The court must receive your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) ordinary U.S. Mail to

Keith D. Weiner and Associates
c/o Cynthia A. Jeffrey
1100 Superior Ave. Suite 1100
Cleveland, OH 44114

Asst US Trustee (Col)
Office of the US Trustee
170 North High Street Suite 200
Columbus, OH 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

Dated: April 17, 2024

Respectfully Submitted,

/s/ Cynthia A. Jeffrey
Cynthia A. Jeffrey
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Cleveland, OH 44114
Telephone: (216) 771-6500
autobankruptcy@weinerlaw.com
Attorney for Movant

CERTIFICATE OF SERVICE

The undersigned certifies that on the April 17, 2024, a true and correct copy of the foregoing Motion and Notice were served via the Court's electronic case filing system on the following who are listed on the Court's Electronic Mail Notice List:

Asst US Trustee (Col)
Office of the US Trustee
170 North High Street
Suite 200
Columbus, OH 43215
ustpreregion09.cb.ecf@usdoj.gov

John W Kennedy
Strip Hoppers Leithart McGrath & Terleck
575 S. Third St.
Columbus, OH 43215
jwk@columbuslawyer.net

James A. Coutinho
Allen Stovall Neuman & Ashton LLP
10 West Broad Street
Ste. 2400
Columbus, OH 43215
coutinho@asnalaw.com

and by regular U.S. mail, postage prepaid, to:

AAD Locker LLC
1016 East Orange Rd.
Lewis Center, OH 43035

20 Unsecured Creditors by regular US Mail, postage pre-paid on:

Ace Funding Source LLC
c/o Erica Gilerman, Esq.
515 Madison Ave., Ste. 8108
New York, NY 10022

Clearstone Fund LLC
80 West Sunrise, Hwy #1096
Valley Stream, NY 11581

Habegger Supply
3079 Silver Dr.
Columbus, OH 43224

Ally Financial
500 Woodward Ave.
Detroit, MI 48226

CT Corporation System, as representative
330 N. Brand Blvd., Ste 700
Glendale, CA 91203

Internal Revenue Service
Centralized Insolvency Operations
P O Box 7346
Philadelphia, PA 19101-7346

Interstate Filings, as representative
301 Mill Rd., Ste. U-5
Hewlett, NY 11557

Intuit Financing
2700 Coast Ave.
San Francisco, CA 94103

Jaffe Capital
99 Wall St. #1540
New York, NY 10005

Square Advance
90 East Halsey Rd.
Parsippany, NJ 07054

Stripe Servicing
199 Water St., Floor 30
New York, NY 10038

The LCF Group
3000 Marcus Ave., Ste. 2W15
New Hyde Park, NY 11042

Throttle Funding LLC
4014 Chase Ave., Ste. 212
Miami Beach, FL 33140

/s/ Cynthia A. Jeffrey
Cynthia A. Jeffrey